

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 07cr3041-LAB
)	
Plaintiff,)	
)	PRELIMINARY ORDER OF
v.)	CRIMINAL FORFEITURE
)	
JOE VANG,)	
aka Khoi Dang Pham,)	
)	
Defendant.)	

WHEREAS, in the Indictment in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific properties of the above-named Defendant pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) as property involved in the violation of 18 U.S.C. § 924(c)(1) as charged in the Indictment; and

WHEREAS, on or about January 29, 2008, the above-named Defendant, JOE VANG ("Defendant"), pled guilty before Magistrate Judge Anthony J. Battaglia, to Counts 1 and 2 of the Indictment, and on July 7, 2008, this Court accepted the guilty plea of Defendant, which plea included consent to the criminal forfeiture allegation pursuant to Title 18 as set forth in Count 2 of the Indictment; and

WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has established the requisite nexus between the forfeited properties and the offense; and

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1 WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession
 2 of said properties, pursuant to 18 U.S.C. § 924(d) and Rule 32.2(b) of the Federal Rules of
 3 Criminal Procedure; and

4 WHEREAS, pursuant to Rule 32.2(b)(3), the United States having requested the authority
 5 to take custody of the following properties which were found forfeitable by the Court, namely:

6 One 9mm Smith and Wesson semi-automatic handgun, serial number SAE2291;
 7 One .44 caliber ARMI Jager revolver, serial number 41867;
 8 One .380 caliber FI semi-automatic handgun, serial number CPA029385;
 9 Miscellaneous ammunition (seized on October 6, 2007 from a female and from a safe at
 10 7002 Mohawk Street, San Diego, California); and

11 WHEREAS, the United States, having submitted the Order herein to the Defendant through
 12 his attorney of record, to review, and no objections having been received;

13 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

14 1. Based upon the guilty plea of the Defendant, the United States is hereby authorized
 15 to take custody and control of the following assets, and all right, title and interest of Defendant JOE
 16 VANG in the following properties are hereby forfeited to the United States for disposition in
 17 accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

18 One 9mm Smith and Wesson semi-automatic handgun, serial number SAE2291;
 19 One .44 caliber ARMI Jager revolver, serial number 41867;
 20 One .380 caliber FI semi-automatic handgun, serial number CPA029385;
 21 Miscellaneous ammunition (seized on October 6, 2007 from a female and from a safe at
 22 7002 Mohawk Street, San Diego, California).

23 2. The aforementioned forfeited assets are to be held by the United States Marshals
 24 Service in its secure custody and control.

25 3. Pursuant to Rule 32.2(b)and (c), the United States is hereby authorized to begin
 26 proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights
 27 of third parties.

28 4. Pursuant to 21 U.S.C. § 853(n), the United States forthwith shall publish, at least
 once for three successive weeks in a newspaper of general circulation, notice of this Order, notice
 of the Marshals Service's intent to dispose of the properties in such manner as the Attorney General
 may direct, and notice that any person, other than the Defendant, having or claiming a legal interest

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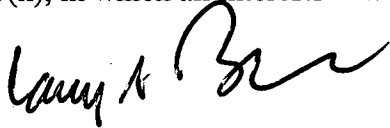
1 in the above-listed forfeited properties must file a petition with the Court within thirty (30) days
2 of the final publication of notice or of receipt of actual notice, whichever is earlier.

3 5. This notice shall state that the petition shall be for a hearing to adjudicate the
4 validity of the petitioner's alleged interest in the properties, shall be signed by the petitioner under
5 penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest
6 in the forfeited properties and any additional facts supporting the petitioner's claim and the relief
7 sought.

8 6. The United States may also, to the extent practicable, provide direct written notice
9 to any person known to have alleged an interest in the properties that is the subject of the
10 Preliminary Order of Criminal Forfeiture, as a substitute for published notice as to those persons
11 so notified.

12 7. Upon adjudication of all third-party interests, this Court will enter an Amended
13 Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

14 DATED: 7/11/08
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18 LARRY A. BURNS, Judge
19 United States District Court
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